

THE JAMES LAW FIRM
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WHITE PLAINS, NY 10601

JACQUELINE M. Application granted in part.

September

The Hon. Judge Philip M. Halpern
The Hon. Charles L. Bricant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: 7:20-cv-10747-PMH; Strike 3 Holding
Address 72.69.197.14 // Plaintiff's R
Unredacted Versions of its First Amended
of Service Under Seal

Dear Judge Halpern:

The James Law Firm, PLLC represents Plaintiff and respectfully requests an order allowing Plaintiff leave to file unredacted versions of its Renewed Amended Complaint, proposed summons, and return of service under seal pursuant to Rule 5(B) of the Individual Practices in Civil Cases for Judge Philip M. Halpern.

Plaintiff is the owner of award-winning, critically acclaimed adult motion pictures. Strike 3's motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, and *Blacked Raw* adult websites and DVDs. Plaintiff recorded a number of infringing transactions emanating from IP address 72.69.197.14 within the BitTorrent network. Accordingly, this Court recently permitted Plaintiff to serve a subpoena on the Internet Service Provider ("ISP"), Verizon Fios ("ISP"), to discover the identity of the subscriber assigned the IP address 72.69.197.14, the IP address used to download and distribute Plaintiff's works via the BitTorrent network. After receiving the subpoena response, Plaintiff conducted a further investigation. Based on the investigation of the subscriber and publicly available resources, Plaintiff identified the subscriber as the true infringer/Defendant. Plaintiff has now filed its First Amended Complaint against Defendant before this Court.

Although Plaintiff is aware of Defendant's identity, Plaintiff is sensitive to Defendant's privacy concerns and therefore, it opted to file this suit against Defendant pseudonymously within the caption of the case. Although the caption does not contain Defendant's personal identifying information, the body of the First Amended Complaint contains such information. This information is central to Plaintiff's claim and includes the Defendant's name, address, and additional factual information which directly links the Defendant to the infringement in this case. In the past, to avoid embarrassment to defendants, courts in this district have entered protective orders precluding Plaintiff from publicly disclosing defendants' identifying information. Accordingly, out of respect for this Court and Defendant, Plaintiff respectfully requests entry of an order permitting it to file an unredacted version of its First Amended Complaint, proposed

Plaintiff is granted leave to file unredacted versions of its First Amended Complaint (Doc. 18) and Request for Issuance of Amended Summons (Doc. 19) under seal. When Plaintiff receives the Return of Service, it may seek to have that document filed under seal as well.

The Clerk of the Court is respectfully directed to seal Doc. 18 and Doc. 19, permitting access only by the parties and the Court, but retain the summary docket text for the record.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc 16.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
September 9, 2021

summons, and return of service under seal under seal so that it may include Defendant's name, address, and other factual information central to Plaintiff's claim.

By: Jacqueline M. James

Attorneys for Plaintiff

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